

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELTON SMITH,

Plaintiff,

v.

ESCANDONE, FISHER, DeGroot, and
HEMINGWAY,

Defendants.

Case No. 1:22-cv-01491-HBK

ORDER DENYING WITHOUT PREJUDICE
PLAINTIFF'S MOTION TO PROCEED *IN FORMA PAUPERIS* AND DIRECTING
PLAINTIFF TO FILE AMENDED
APPLICATION OR PAY FILING
FEE WITHIN 21 DAYS

(Doc. No. 2)

Plaintiff Melton Smith commenced this action by filing a pro se civil rights complaint under 42 U.S.C. § 1983 on November 18, 2022 while detained in the LERDO Pretrial Facility. (Doc. No. 1). Plaintiff concurrently moved to proceed *in forma pauperis* under 28 U.S.C. § 1915. (Doc. No. 2, IFP motion). Plaintiff's IFP motion does not comply with the requirements set out in § 1915(a)(1)(2). Specifically, in addition to filing an affidavit of indigency, a prisoner "shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the six-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined." *Id.* Here, the "Certification" portion of Plaintiff's IFP motion is blank. (See Doc. No. 2 at 2).

Accordingly, it is **ORDERED**:

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is DENIED without

1 prejudice to Plaintiff submitting a completed application.

2 2. The Clerk is directed to mail Plaintiff a new application to proceed *in forma pauperis*.

3 3. Within twenty-one (21) days of receipt of this order, Plaintiff shall either: (1) complete
4 the attached application to proceed *in forma pauperis* in its entirety with an authorized
5 correctional official completing the “Certification” section of the application, or by filing a prison
6 trust account statement reflecting the 6 months of transactions preceding the filing of the
7 complaint; or (2) pay the \$402.00 filing fee for this action.

8 4. Absent good cause, the Court will not grant any motions for extension of time.

9 5. Failure to comply with this order will result in the recommendation that this action be
10 dismissed for failure to prosecute and/or comply with the court’s orders.

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12 Dated: November 28, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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